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Scott McKinney, and Ashley Miranda*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON VICINAGE**

A.H. DOE (said name being fictitious),

Plaintiff(s),

v.

DELAWARE VALLEY REGIONAL HIGH
SCHOOL BOARD OF EDUCATION, et al.,

Defendant(s).

Hon. Georgette Castner, U.S.M.J.

Civil Action No. 3:24-CV-107-GC-JBD

**DECLARATION OF
SCOTT MCKINNEY**

I, Scott McKinney, of full age, hereby declare as follows:

1. I am over 18 years of age, of sound mind, and capable of making this declaration.

2. The facts stated in this declaration are within my personal knowledge and are true and correct.

3. I am the Superintendent of the Delaware Valley Regional High School District and one of the defendants in the above-captioned matter.

4. I make this declaration in support of the Board Defendants'¹ response to plaintiff Jane Doe's application for a temporary restraining order and preliminary injunction concerning Board Policy 5756.

A. Board Policy 5756.

5. The Board adopted Board Policy 5756 (Transgender Students) to address what occurs when a student expresses a gender identity different from their biological sex.

6. The policy requires staff to accept the student's expressed gender identity.

7. While the policy does not affirmatively require teachers and staff members to notify parents about a student's expressed gender identity, nothing in the policy remotely suggests staff members should lie to parents or guardians if they inquire about their child's gender identity or expression.

8. Board Policy 5756 is intended to create an inclusive, discrimination-free environment for transgender students and promote their well-being and welfare inside the school.

9. Consistent with the New Jersey Department of Education's guidance, the Board uses a "student-centered approach" when ascertaining a student's preference on matters such as chosen name, and chosen pronoun use.

10. Under the policy, the student – not school officials – initiates any social transition towards their expressed gender identity.

¹ "Board Defendants" collectively refers to the Delaware Valley Regional High School Board of Education, Ashley Miranda and me.

B. Allegations of Reports to DCP&P

11. I am aware of an allegation made by Doe that someone from the district reported to the Department of Child Protection & Permanency (DCPP) that Jane Doe was truant.

12. Pursuant to district policy, if a staff member made a report to DCPP, they must notify the high school principal, who must, in turn, alert me.

13. I never received any such report.

14. Nonetheless, in light of the allegation, I made inquiries to determine if someone from the district made such a report.

15. Based on my inquiries, there's no indication that the report to DCPP originated from an employee of the district.

I hereby declare, under penalty of perjury, that the foregoing statements made by me are true and correct.

Dated: 02/07/2024

Scott McKinney

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